

BOARD OF CHIROPRACTIC EXAMINERS

3401 FOLSOM BOULEVARD, SUITE B
SACRAMENTO, CA 95816
TELEPHONE: (916) 227-2790



AGENDA—May 4, 1995

NOTICE OF PUBLIC HEARING--notice is hereby given that pursuant to the call of Chairperson, Lloyd E. Boland, D.C., a public meeting of the Board of Chiropractic Examiners will be held at:

State Capitol
Room 127
Sacramento, California

CONTACT PERSON: Vivian R. Davis
(916) 227-2790

9:00 am PETITION FOR REDUCTION OF PENALTY: Dr. Robin Burdt, DC
10:30 am PETITION FOR RESTORATION OF LICENSE: Dr. Marcus Pride, DC
noon LUNCH

Pursuant to the Bagley-Keene Open Meeting Act, Government Code Section 11126(c) and (d), the following closed session items will be heard prior to the public session of the meeting.

1:00 pm

1. Disciplinary Actions
2. Examinations:
 - a. Discussion Re: exam development
 - b. Commissioner Applications
3. Consult with Legal Counsel
4. Personnel Matters

2:00 pm

OPEN SESSION
CONTINUING EDUCATION COMMITTEE MEETING (Discuss seminars presented for approval on or before April 5, 1995)

2:30 pm

OPEN SESSION *regular business meetings*

1. Approval of Action Taken in Closed Session (action)
2. Approval of Minutes: March 30, 1995 (action)
3. Staff Report: (information/action)
 - a. Registration of Chiropractic Corporations
 - b. Requests for Duplicate Licenses
 - c. Consideration of Reciprocity Applications
 - d. Consideration of Continuing Education Seminars
 - e. Executive Director's Report
4. Josephine Cardone: Request to Waive Prerequisites based upon 11 years practice (action)
5. Regulatory Language: Specialty Certification (§ 311.5) (information/action)
6. Discussion re: Renewal Requirements for Forfeiture License (information/action)
7. Regulatory Language: Referral Services (§ 317.1) (information/action)
8. Amended Language re: responsibility for conduct (§ 316) (information/action)
9. Proposed Regulatory Language re: § 125.3, Business and Professions Code (cost recovery) (information/action)
10. Report on Meeting with Board of Veterinary Medicine (information/action)
11. Regulatory Language: Continuing Education Faculty Disclosures (information/action)
12. New Business (information/action)

4:30 pm

ADJOURNMENT

Duplicate set of Minutes in ACS File

BOARD OF CHIROPRACTIC EXAMINERS

FOLSOM BOULEVARD, SUITE 8
SACRAMENTO, CA 95816
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MINUTES

OF THE BOARD OF CHIROPRACTIC EXAMINERS HELD AT

State Capitol
Room 127
Sacramento, California

May 4, 1995

The Public meeting of the Board of Chiropractic Examiners was called to order at 2:35 p.m. by Chairman Lloyd E. Boland, D.C.

Present were:

Lloyd E. Boland, D.C. — Chairman
Michael J. Martello, D.C. — Vice-Chairman
Louis E. Newman, D.C.
John D. Bovée, Public Member
Rosa-Mei Lee, Ph. D., Public Member

Also Present were:

Joel Primes, Deputy Attorney General
Vivian R. Davis, Executive Director
E. Carol Bernal, Management Services Technician

Continuing Education Committee Meeting

Two of the members of the Continuing Education Committee — Dr. Martello and Dr. Boland — were present.

They discussed the seminars submitted for approval on or before April 5, 1995 and prepared recommendations to be made before the full Board under Agenda Item 3(d).

Agenda Item 5 *Regulatory Language: Specialty Certification*

Dr. Martello submitted the following language on specialty certifications:

Advertising of Specialty, Subspecialty, or Certification

(a) As used in this section

(1) "specialty board" means a board which certifies doctors of chiropractic in a specialty or subspecialty of chiropractic.

(2) "Specialty or subspecialty area of chiropractic" means a distinct and well-defined field of chiropractic practice. It includes special concern with diagnostic and therapeutic modalities of patients' health problems, or it may concern health problems according to age, sex, organ system, body region, or the interaction between patients and their environment. A chiropractic specialty promotes the standards of practice within its specialty.

(b) If a doctor of chiropractic advertises that they specializes or are certified by a specialty board in a specialty or subspecialty area of chiropractic the specialty board shall be approved by the Board of Chiropractic Examiners and shall comply with all of the following requirements.

(1) The primary purpose of the specialty board shall be certification of a specialty or subspecialty. The specialty board shall encompass the broad areas of the specialty or subspecialty.

(2) The specialty board shall not restrict itself to a single modality of treatment which may be part of a broader specialty or subspecialty.

(3) The specialty board shall be a nonprofit corporation which shall have at least 100 members located in at least 15 states. Each member shall possess a clear and unrestricted license to practice chiropractic.

Specialty Certification (*continued*)

- (4) The specialty board shall have articles of incorporation, a constitution, or a charter and bylaws which describe its operation. The bylaws shall:
 - (A.) provide for an independent and stable governing body with staggered, limited terms of not more than six years that is internally-appointed or selected by the members.
 - (B.) set forth the requirements and policies for certification by the specialty board.
 - (C.) require that the specialty board establish requirements for the fair evaluation of all applicants.
 - (D.) require that the specialty board determine whether applicants have adequate preparation in accordance with the standards established by the specialty board.
 - (E.) require evidence that the applicants have acquired capability in a specialty or subspecialty area of chiropractic and will demonstrate special knowledge in that field.
 - (F.) require that the specialty board conduct comprehensive evaluations of the knowledge and experience of the applicants.
- (5) The specialty board shall have standards for determining that those who are certified possess the knowledge and skills essential to provide competent care in the designated specialty or subspecialty area.
- (6) More than 80 percent of the specialty board's revenue for continuing operations shall be from certification and examination fees, membership fees and interest and investment income.

Specialty Certification (*continued*)

- (7) The specialty board shall require all applicants who are seeking certification to have satisfactorily completed a postgraduate training program taught by a school or college recognized by the Council on Chiropractic Education or an accrediting agency recognized by the United States Department of Education. The postgraduate training program shall be a minimum of 300 hours and shall include identifiable training in the specialty or subspecialty area of chiropractic in which the doctor of chiropractic is seeking certification.
- (8) The specialty board shall require all doctors of chiropractic who are seeking certification to successfully pass a written or an oral examination or both, which tests the applicants' knowledge and skills in the specialty or subspecialty area of chiropractic. All or part of the examination may be delegated to a testing organization. All examinations shall be subject to a current psychometric evaluation.
- (9) The specialty board shall issue certificates to those doctors of chiropractic who are found qualified under the stated requirements of the specialty board.
- (c)(1) Upon request, the Board of Chiropractic Examiners will approve a specialty board if it meets the criteria set forth in these regulations. The Board of Chiropractic Examiners may withdraw the approval of a specialty board if it finds that the specialty board fails to meet or maintain the criteria set forth in these regulations.

Specialty Certification *(continued)*

- (2) Within 60 working days of receipt of an application for specialty board approval, the Board of Chiropractic Examiners shall inform the applicant in writing that it is either complete and accepted for filing or that it is deficient while specifying information or documentation that is required to complete the application.
- (3) With 120 calendar days from the date of filing of a completed application, the Board of Chiropractic Examiners shall inform the applicant in writing of its decision regarding the applicant's approval as a specialty board.
- (d). Specialty boards approved by the Board of Chiropractic Examiners shall certify every three years from the date of approval that they continue to meet the requirements of these regulations.
- (e). The Board of Chiropractic Examiners shall conduct such evaluations as it deems appropriate to ensure that the applicant boards meet the criteria of these regulations.
- (f). Doctors of chiropractic who are certified by specialty boards which are incorporated, or organized as an association on the effective date of these regulations, may advertise that they specialize or are certified by the specialty board for eighteen months from the effective date of these regulations. During that time, the specialty board shall demonstrate to the satisfaction of the Board of Chiropractic Examiners that it meets the requirements of this section. If a specialty board cannot demonstrate that it meets the requirements of this section eighteen months following the effective date of these regulations, its members may not thereafter advertise specialization or certification by that board. This period may be extended for one year if the Board of Chiropractic determines that the specialty board is making a good faith effort towards meeting the requirements of this section.

Specialty Certification (*continued*)

Doctors of chiropractic who are certified by specialty boards which are incorporated, or organized as an association after the effective date of these regulations, may not advertise that they specialize or are certified by a specialty board until the specialty board demonstrates to the satisfaction of the Board of Chiropractic Examiners that it meets the requirements of this section.

The language is not intended to keep doctors from taking extended training programs, but is meant to correct problems with the way graduates of these programs advertise their certification. Doctors have been using the word "certified" in advertising whether they have taken a short course or a full three-year program.

The Medical Board already has regulations addressing medical specialties. Part of this language is based on or inspired by the Medical Board's language.

In reply to a question from the audience, Dr. Boland stated that the Board is given authority to regulate advertising by its regulations. Mr. Primes commented that the language has taken into account the balance between freedom of speech issues and Section 650 of the Business and Professions Code. The language is not meant to prohibit doctors from advertising certification through legitimate specialty programs. Differences between duration of programs could possibly be handled through modifiers to the phrase "certified specialist".

Dr. Martello has sent letters requesting input from specialty boards and has received one reply, which was in favor of board recognition and regulation of specialty boards. The biggest problem will be in judging the use of the word "certified".

Some of the proposals were: to have three levels ("diplomate" or "board certified", "Certificate of program completion", and "Certificate of course completion"); to require including the number of hours in advertising language; and to use the phrases "Level One," "Level Two," and "Level Three," only allowing use of the term "certified" with "Level Three".

Mr. Primes cited a Supreme Court case relating to "certified financial planners". The Court ruled that the group had a legitimate method of determining course completion and should therefore be allowed use of the term "certified".

May 4, 1995

New Business (continued)

The meeting was adjourned.

A handwritten signature in dark ink, appearing to read "Lloyd E. Boland", written over a horizontal line.

Lloyd E. Boland, D.C., Chairman

Michael J. Martello, D.C., Vice-Chairman

Believe that AGO representative investigated and found the BCE does not have the authority to adopt a regulation such as this.